

**U.S. District Court  
Northern District of New York – Main Office (Syracuse) [LIVE – Version 5.0.3]  
(Syracuse)  
CIVIL DOCKET FOR CASE #: 5:06-cv-01086-NAM-TWD**

Long et al v. United States Department of Justice  
Assigned to: Judge Norman A. Mordue  
Referred to: Magistrate Judge Therese Wiley Dancks  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/08/2006  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Susan B. Long**

represented by **William I. Sussman**  
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**Plaintiff**

**David Burnham**

represented by **William I. Sussman**  
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**Eric H. Yecies**  
 (See above for address)  
 TERMINATED: 09/08/2008

**Kevin M. Brown**  
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**Tal Kedem**  
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 TERMINATED: 05/04/2011

**Thomas M. Susman**  
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 TERMINATED: 09/18/2008

V.

**Defendant**

**United States Department of Justice**

represented by **Kathryn L. Wyer**  
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Date Filed	#	Docket Text
09/08/2006	<u>1</u>	COMPLAINT against United States Department of Justice ( Filing fee \$ 350 receipt number ALB002775) filed by Susan B. Long, David Burnham. (Attachments: # <u>1</u> Exhibits A – M to Complaint)(tm) (Entered: 09/08/2006)
09/08/2006	<u>2</u>	G.O. 25 FILING ORDER ISSUED Initial Conference set for 1/25/2007 10:00 AM in Syracuse before Magistrate Judge Gustave J. DiBianco. Civil Case Management Plan due by 1/16/2007. (tm) (Entered: 09/08/2006)
09/08/2006		Summons Issued as to United States Department of Justice, U.S. Attorney and U.S. Attorney General (tm) (Entered: 09/08/2006)
09/19/2006	<u>3</u>	SUMMONS Returned Executed by Susan B. Long, David Burnham. (Sussman, William) (Entered: 09/19/2006)
10/12/2006	<u>4</u>	ANSWER to Complaint by United States Department of Justice.(Wyer, Kathryn) (Entered: 10/12/2006)

12/28/2006	<u>5</u>	MOTION Admission Pro Hac Vice of <i>Thomas M. Sussman</i> by Susan B. Long, David Burnham. (Attachments: # <u>1</u> Verified Petition for Admission Pro Hac Vice# <u>2</u> Affidavit of Sponsor# <u>3</u> Proposed Order/Judgment Granting Motion for Admission Pro Hac Vice) Motions referred to Gustave J. DiBianco. (Sussman, William) (Entered: 12/28/2006)
01/09/2007		Pro Hac Vice Filing fee for Thomas M. Susman: \$ 30.00, receipt number SYR10180. (alh, ) (Entered: 01/09/2007)
01/11/2007	<u>6</u>	ORDER granting <u>5</u> Motion admission pro hac vice of Thomas M. Susman. Signed by Judge Gustave J. DiBianco on 1/11/07. (mnm) (Entered: 01/12/2007)
01/12/2007	<u>7</u>	NOTICE of Appearance by Eric H. Yecies on behalf of Susan B. Long, David Burnham (Yecies, Eric) (Entered: 01/12/2007)
01/12/2007		Clerk served Atty Thomas Susman Order granting PHV via USPS. (mnm) (Entered: 01/12/2007)
01/12/2007	<u>8</u>	STIPULATION re <u>2</u> G.O. 25 Filing Order . and <i>Order adjourning the January 25, 2007 status and scheduling conference to March 8, 2007 (Proposed)</i> by Susan B. Long, David Burnham submitted to Judge Gustave J. DiBianco. (Sussman, William) (Entered: 01/12/2007)
01/17/2007		TELEPHONE Initial Status Conference set for 3/8/2007 at 10:00 A.M. before Magistrate Judge Gustave J. DiBianco. Plaintiff's counsel will initiate telephone conference using a conference call service to Judge DiBianco's Chambers (315) 234-8600. The civil case management plan must be signed by all parties and electronically filed by the plaintiff ten days before the conference. (kmg) (Entered: 01/17/2007)
01/17/2007	<u>9</u>	ORDER: approving the # <u>8</u> Joint Stipulation to adjourn the status and scheduling conference to March 8, 2007 at 10:00 AM before Magistrate Judge Gustave J. DiBianco. Signed by Judge Gustave J. DiBianco on 1/17/06. (jmb) (Entered: 01/18/2007)
02/01/2007		Set/Reset Deadlines: Civil Case Management Plan due by 2/26/2007 pursuant to the <u>9</u> Order. (jlr) (Entered: 02/01/2007)
02/23/2007	<u>10</u>	STIPULATION and <i>Order (Proposed) adjourning the March 8, 2007 status and scheduling conference to April 5, 2007</i> by Susan B. Long, David Burnham submitted to Judge Gustave J. DiBianco. (Yecies, Eric) (Entered: 02/23/2007)
03/02/2007	<u>11</u>	ORDER: re: <u>10</u> Stipulation; The 3/8/07 conference is cancelled. A Status and Scheduling Conference is scheduled for 4/5/2007 at 10:00 AM before MJ DiBianco by TELEPHONE. Requests for additional adjournments will be discussed at the conference. Signed by Judge Gustave J. DiBianco on 3/2/07. (dmf) (Entered: 03/05/2007)
03/16/2007		TELEPHONE Initial Status Conference set for 4/5/2007 at 10:00 A.M. before Magistrate Judge Gustave J. DiBianco. Plaintiff's counsel will initiate telephone conference using a conference call service to Judge DiBianco's Chambers (315) 234-8600. The civil case management plan must be signed by all parties and electronically filed by the plaintiff ten days before the conference. (kmg) (Entered: 03/16/2007)
03/30/2007	<u>12</u>	CIVIL CASE MANAGEMENT PLAN by Susan B. Long, David Burnham. (Attachments: # <u>1</u> Exhibit(s) A# <u>2</u> Exhibit(s) B)(Yecies, Eric) (Entered: 03/30/2007)
03/30/2007	<u>13</u>	AFFIDAVIT re <u>12</u> CIVIL CASE MANAGEMENT PLAN by United States Department of Justice. (Attachments: # <u>1</u> Declaration of James M. Kovakas# <u>2</u> Declaration of Dorothy A. Bahr)(Wyer, Kathryn) (Entered: 03/30/2007)
04/05/2007		Minute Entry for proceedings held before Magistrate Judge Gustave J. DiBianco: Telephone Conference held on 4/5/2007. APPEARANCES: Eric H. Yecies, Esq. for Plaintiff; Kathryn L. Wyer, Esq. for Deft. RULINGS: Six month delay GRANTED; no scheduling order to issue. Separate order to be filed re six month adjournment. [30 minutes] (kmg) (Entered: 04/05/2007)

04/05/2007	<u>14</u>	ORDER: advising the parties that no scheduling order will be issued at the present time, if there is no resolution of this case within 30 days, the attorneys are directed to file a Status Report by 5/7/07. Signed by Judge Gustave J. DiBianco on 4/5/07. (jmb) (Entered: 04/06/2007)
04/17/2007	<u>15</u>	AMENDED ORDER: amending the # <u>14</u> Order, ordered that if there has been no resolution of this case within six months, the attorneys are directed to file a Status Report with the Court by 9/28/2007. Signed by Judge Gustave J. DiBianco on 4/17/07. (jmb) (Entered: 04/18/2007)
04/26/2007	<u>16</u>	NOTICE by Susan B. Long, David Burnham , <i>Eric H. Yecies' letter to Magistrate Judge Gustave J. DiBianco, as cover for exemplary reports of the work done by plaintiffs' organizations</i> (Attachments: # <u>1</u> Attachment 1# <u>2</u> Attachment 2)(Yecies, Eric) (Entered: 04/26/2007)
09/28/2007	<u>17</u>	STATUS REPORT , <i>Eric H. Yecies letter to Magistrate Judge Gustave J. DiBianco submitting joint case status update</i> by Susan B. Long, David Burnham. (Yecies, Eric) (Entered: 09/28/2007)
10/09/2007	<u>18</u>	ORDER: approving the # <u>17</u> Status Report filed by David Burnham and Susan B. Long. This case is continued to discuss issues and possible settlement. The Attorneys are directed to file a Status Report on or before 11/29/2007. Signed by Judge Gustave J. DiBianco on 10/9/07. (jmb) (Entered: 10/10/2007)
11/29/2007	<u>19</u>	STATUS REPORT , <i>Eric H. Yecies letter to Magistrate Judge Gustave J. DiBianco submitting joint case status update</i> by Susan B. Long, David Burnham. (Yecies, Eric) (Entered: 11/29/2007)
08/06/2008		TEXT NOTICE – It has been over 8 months since the filing of the status of this case. Counsel is directed to file a Status report on or before 8/15/08 to Chief Judge Mordue. (jlr) (Entered: 08/06/2008)
08/15/2008	<u>20</u>	STATUS REPORT by Susan B. Long, David Burnham. (Yecies, Eric) (Entered: 08/15/2008)
08/15/2008	<u>21</u>	STATUS REPORT by United States Department of Justice. (Wyer, Kathryn) (Entered: 08/15/2008)
09/05/2008	<u>22</u>	<i>Consent</i> Letter Motion from Counsel for Defendant for United States Department of Justice requesting leave for page enlargement and approval of the parties' stipulated briefing schedule submitted to Judge Norman A. Mordue. (Attachments: # <u>1</u> Proposed Order/Judgment)(Wyer, Kathryn) (Entered: 09/05/2008)
09/08/2008	<u>23</u>	NOTICE by Susan B. Long, David Burnham <i>Withdrawal of Appearance of Eric Yecies</i> (Yecies, Eric) (Entered: 09/08/2008)
09/09/2008	<u>24</u>	ORDER granting the # <u>22</u> Consent Letter Motion for a summary judgment briefing schedule and page enlargement. Signed by Chief Judge Norman A. Mordue on 9/9/2008. (kee) (Entered: 09/09/2008)
09/16/2008	<u>25</u>	NOTICE by Susan B. Long, David Burnham <i>of withdrawal of appearance of Thomas M. Susman</i> (Susman, Thomas) (Entered: 09/16/2008)
09/19/2008	<u>26</u>	MOTION for Summary Judgment filed by United States Department of Justice. (Attachments: # <u>1</u> Motion for Summary Judgment, # <u>2</u> Memorandum of Law, # <u>3</u> Statement of Material Facts, # <u>4</u> Declaration of James Kovakas, # <u>5</u> Exhibit(s) A to Kovakas Declaration – Vaughn Index, # <u>6</u> Declaration of Dorothy Bahr, # <u>7</u> Declaration of Morgan Arvaneh, # <u>8</u> Exhibit(s) A to Arvaneh Declaration – Data Dictionary, # <u>9</u> Declaration of Kathryn Wyer, # <u>10</u> Exhibit(s) A–KK to Wyer Declaration, # <u>11</u> Exhibit(s) – Cited Unpublished Decisions, # <u>12</u> Proposed Order/Judgment) (Wyer, Kathryn) (Entered: 09/19/2008)
09/22/2008		TEXT NOTICE on Motion <u>26</u> MOTION for Summary Judgment. This motion is returnable on 12/3/08. The Motion is on submit with no appearances necessary. Response to Motion due by 10/17/2008. Reply to Response to Motion due by 11/7/2008. Plaintiffs' Reply due by 11/26/08. Counsel is directed to send a courtesy copy of the motion papers to Chief Judge Mordue's chambers.(dmf) (Entered: 09/22/2008)

10/10/2008	<u>27</u>	STIPULATION <i>and Order</i> by Susan B. Long, David Burnham submitted to Judge Norman A. Mordue. (Sussman, William) (Entered: 10/10/2008)
10/10/2008	<u>28</u>	JOINT STIPULATION AND ORDER: Opposition to Defendant's Motion and Plaintiffs' Cross Motion for Summary Judgment by 11/21/2008; Reply in Support of Motion and Opposition to Plaintiffs' Cross Motion by 12/19/08; Reply in Support of Plaintiffs' Cross-Motion by 1/9/2009. Signed by Chief Judge Norman A. Mordue on 10/10/08. (dmf) (Entered: 10/14/2008)
10/14/2008	<u>29</u>	NOTICE of Appearance by Kevin M. Brown on behalf of Susan B. Long, David Burnham (Brown, Kevin) (Entered: 10/14/2008)
11/21/2008	<u>30</u>	CROSS MOTION for Summary Judgment filed by Susan B. Long, David Burnham. (Attachments: # <u>1</u> Plaintiffs' Cross-Motion for Summary Judgment, # <u>2</u> Declaration of Susan B. Long, # <u>3</u> Exhibits A-B to the Declaration of Susan B. Long, # <u>4</u> Exhibit C to the Declaration of Susan B. Long, # <u>5</u> Exhibit D, Part 1 to the Declaration of Susan B. Long, # <u>6</u> Exhibit D, Part 2 to the Declaration of Susan B. Long, # <u>7</u> Exhibit E to the Declaration of Susan B. Long, # <u>8</u> Exhibit F, Part 1 to the Declaration of Susan B. Long, # <u>9</u> Exhibit F, Part 2 to the Declaration of Susan B. Long, # <u>10</u> Exhibit G to the Declaration of Susan B. Long, # <u>11</u> Exhibits H - I to the Declaration of Susan B. Long, # <u>12</u> Exhibit J, Part 1 to the Declaration of Susan B. Long, # <u>13</u> Exhibit J, Part 2 to the Declaration of Susan B. Long, # <u>14</u> Exhibits K-O to the Declaration of Susan B. Brown, # <u>15</u> Exhibits P-X to the Declaration of Susan B. Long, # <u>16</u> Plaintiff's Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment and in Support of Plaintiffs' Cross-motion for Summary Judgment, # <u>17</u> Plaintiffs' Response to Defendant's Statement of Material Facts and Statement of Material Facts in Support of Plaintiffs' Cross-motion for Summary Judgment, # <u>18</u> Proposed Order) (Sussman, William) Modified on 11/24/2008 (dmf, ). (Entered: 11/21/2008)
11/24/2008	<u>31</u>	NOTICE by Susan B. Long, David Burnham re <u>30</u> MOTION for Summary Judgment - <i>Unpublished Cases Cited in Plaintiffs' Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment and in Support of Plaintiffs' Cross-motion for Summary Judgment</i> - (Sussman, William) (Entered: 11/24/2008)
12/19/2008	<u>32</u>	REPLY to Response to Motion re <u>26</u> MOTION for Summary Judgment filed by United States Department of Justice. (Attachments: # <u>1</u> Declaration of James M. Kovakas (Supplemental), # <u>2</u> Exhibit(s) A to Kovakas Supplemental Declaration - DBI Manual (2007) excerpt, # <u>3</u> Exhibit(s) B to Kovakas Supplemental Declaration - DBI Manual (2001) excerpt, # <u>4</u> Declaration of Siobhan Sperin, # <u>5</u> Declaration of Morgan Arvaneh (Supplemental), # <u>6</u> Defendant's Response to Plaintiffs' Statement of Material Facts, # <u>7</u> Exhibit(s) 1 - Status Summary, # <u>8</u> Unpublished Decisions)(Wyer, Kathryn) (Entered: 12/19/2008)
12/19/2008	<u>33</u>	RESPONSE in Opposition re <u>30</u> MOTION for Summary Judgment filed by United States Department of Justice. (Attachments: # <u>1</u> Declaration of James M. Kovakas (Supplemental), # <u>2</u> Exhibit(s) A to Kovakas Supplemental Declaration - DBI Manual (2007) excerpt, # <u>3</u> Exhibit(s) B to Kovakas Supplemental Declaration - DBI Manual (2001) excerpt, # <u>4</u> Declaration of Siobhan Sperin, # <u>5</u> Declaration of Morgan Arvaneh (Supplemental), # <u>6</u> Defendant's Response to Plaintiffs' Statement of Material Facts, # <u>7</u> Exhibit(s) 1 - Status Summary, # <u>8</u> Unpublished Decisions, # <u>9</u> Proposed Order/Judgment)(Wyer, Kathryn) (Entered: 12/19/2008)
01/06/2009	<u>34</u>	MOTION for Extension of Time to File Response/Reply as to <u>30</u> MOTION for Summary Judgment filed by Susan B. Long, David Burnham. (Attachments: # <u>1</u> Proposed Order/Judgment) Motions referred to Gustave J. DiBianco. (Brown, Kevin) (Entered: 01/06/2009)
01/07/2009	<u>35</u>	ORDER granting <u>34</u> Motion for Extension of Time to File Response/Reply re <u>30</u> MOTION for Summary Judgment. Plaintiff's reply papers in support of plaintiff's cross motion for summary judgment shall be filed by 1/14/2009. Signed by Chief Judge Norman A. Mordue on 1/7/08. (mnm) (Entered: 01/07/2009)
01/14/2009	<u>36</u>	MEMORANDUM OF LAW re <u>30</u> Motion for Summary Judgment,,,,, filed by Susan B. Long, David Burnham. (Attachments: # <u>1</u> Supplemental Declaration of Susan B. Long, # <u>2</u> Exhibits A & B to the Declaration of Susan B. Long, # <u>3</u>



		Exhibits C – I to the Declaration of Susan B. Long, # <u>4</u> Declaration of Michael F. Hasan, # <u>5</u> Exhibits A & B to the Hasan Declaration, # <u>6</u> Declaration of Jeffrey T. Lamicela, # <u>7</u> Declaration of Paul G. Lang, # <u>8</u> Exhibits A – K to the Lang Declaration)(Sussman, William) (Entered: 01/14/2009)
01/15/2009	<u>37</u>	NOTICE by Susan B. Long, David Burnham re <u>36</u> Memorandum of Law,, <i>Unpublished Decisions Cited in the Reply Memorandum of Law in Support of Plaintiffs' Cross–Motion for Summary Judgment</i> (Sussman, William) (Entered: 01/15/2009)
01/30/2009	<u>38</u>	<i>Consent</i> Letter Motion from Kathryn L. Wyer for United States Department of Justice requesting Waiver of the Requirements of L.R. 7.1(b)(2) and Consolidation of defendant's motions with the parties' cross–motions for summary judgment submitted to Judge Mordue. (Attachments: # <u>1</u> Proposed Order/Judgment – Letter Request, # <u>2</u> Motion to Strike or, in the Alternative, for Leave to File a Surreply, # <u>3</u> Proposed Order/Judgment – Motion to Strike, # <u>4</u> Proposed Surreply, # <u>5</u> Declaration of Douglas McManus)(Wyer, Kathryn) (Entered: 01/30/2009)
02/02/2009		TEXT ORDER – Defendant's <u>38</u> Letter Motion, for permission to file a motion to strike Section X of plaintiffs' reply memorandum in support of plaintiffs' cross–motion for summary judgment, is granted, and will be considered in conjunction with the parties' motions for summary judgment. Plaintiffs may file a response, not to exceed 10 pages, to defendant's motion to strike on or before February 13, 2009. No surreply to the motion to strike will be permitted. In the event that the Court denies defendant's motion to strike, the Court will accept defendant's five–page proposed surreply as filed. No sur–surreply will be permitted. Endorsed by Chief Judge Norman A. Mordue on 2/02/09. (jlr/sr) (Entered: 02/02/2009)
02/13/2009	<u>39</u>	RESPONSE in Opposition re <u>38</u> <i>Consent</i> Letter Motion from Kathryn L. Wyer for United States Department of Justice requesting Waiver of the Requirements of L.R. 7.1(b)(2) and Consolidation of defendant's motions with the parties' cross–motions for summary judgment su <i>Consent</i> Letter Motion from Kathryn L. Wyer for United States Department of Justice requesting Waiver of the Requirements of L.R. 7.1(b)(2) and Consolidation of defendant's motions with the parties' cross–motions for summary judgment su <i>Consent</i> Letter Motion from Kathryn L. Wyer for United States Department of Justice requesting Waiver of the Requirements of L.R. 7.1(b)(2) and Consolidation of defendant's motions with the parties' cross–motions for summary judgment su filed by Susan B. Long, David Burnham. (Attachments: # <u>1</u> Unpublished Decisions, # <u>2</u> Proposed Order)(Sussman, William) (Entered: 02/13/2009)
12/01/2009	<u>40</u>	NOTICE of Appearance by Tal Kedem on behalf of David Burnham, Susan B. Long (Kedem, Tal) (Entered: 12/01/2009)
12/02/2009	<u>41</u>	Letter Motion from William I. Sussman for David Burnham, Susan B. Long requesting that Kevin M. Brown be removed as counsel for plaintiffs submitted to Judge Mordue. (Sussman, William) (Entered: 12/02/2009)
12/21/2009	<u>42</u>	ORDER REASSIGNING CASE. Case reassigned to Magistrate Judge George H. Lowe for all further proceedings. Magistrate Judge Gustave J. DiBianco no longer assigned to case. Signed by Chief Judge Norman A. Mordue on 12/21/09. (dmf) (Entered: 12/21/2009)
03/25/2010	<u>43</u>	<b>**VACATED**</b> MEMORANDUM DECISION AND ORDER: Defendants # <u>26</u> Motion for Summary Judgment is GRANTED in part and DENIED in part, without prejudice. Plaintiffs # <u>30</u> Motion for Summary Judgment is GRANTED in part and DENIED in part, without prejudice. Further Ordered that Magistrate Judge George H. Lowe is directed to hold a conference to establish a scheduling order for the submission of the supplemental Vaughn declarations and additional briefs, and/or new motions for summary judgment. Signed by Chief Judge Norman A. Mordue on 3/25/2010. (mae) Vacated on 3/25/2011 by the # <u>60</u> MDO of Chief Judge Mordue. (mae) (Entered: 03/25/2010)
03/29/2010		TEXT NOTICE of Hearing: Status Conference set for 4/9/2010 at 10:30 AM before Magistrate Judge George H. Lowe. Plaintiffs' attorney is responsible for initiating the call, using a teleconferencing service, and should call the chambers of

		Magistrate Judge George H. Lowe at (315) 234-8618, a dedicated conference line which may not be used for other purposes.(rjb, ) (Entered: 03/29/2010)
04/08/2010	<u>44</u>	MOTION for Reconsideration re <u>43</u> Order on Motion for Summary Judgment,,,,, Motion Hearing set for 5/19/2010 10:00 AM in Syracuse before Chief Judge Norman A. Mordue Response to Motion due by 5/3/2010 filed by United States Department of Justice. (Attachments: # <u>1</u> Motion for Partial Reconsideration, # <u>2</u> Memorandum of Law, # <u>3</u> Declaration of David E. Benor, # <u>4</u> Declaration of James M. Kovakas (Second Supplemental), # <u>5</u> Proposed Order/Judgment) (Wyer, Kathryn) (Entered: 04/08/2010)
04/09/2010		TEXT Minute Entry for proceedings held before Magistrate Judge George H. Lowe: Status Conference held on 4/9/2010. Appearances: Tal Kedem, Esq. for Plaintiff; Kathryn Wyer, Esq. for Defendant. Defendant will need some time to gather the record for this action. Judge Lowe defers issuing a scheduling order at this time, a conference will be scheduled for around May 28, 2010. Parties agree on page limits for the dispositive motion – memoranda of law will not exceed 35 pages, motion response will not exceed 25 pages and reply papers will not exceed 20 pages. (FTR Recorded) (rjb, ) (Entered: 04/12/2010)
04/12/2010		TEXT NOTICE of Hearing: Status Conference set for 5/28/2010 at 10:00 AM before Magistrate Judge George H. Lowe. Defendant's attorney is responsible for initiating the call, using a teleconferencing service, and should call the chambers of Magistrate Judge George H. Lowe at (315) 234-8618, a dedicated conference line which may not be used for other purposes.(rjb, ) (Entered: 04/12/2010)
04/30/2010	<u>45</u>	RESPONSE in Opposition re <u>44</u> MOTION for Reconsideration re <u>43</u> Order on Motion for Summary Judgment,,,,, MOTION for Reconsideration re <u>43</u> Order on Motion for Summary Judgment,,,,, filed by David Burnham, Susan B. Long. (Attachments: # <u>1</u> Unpublished Decisions, # <u>2</u> Second Supplemental Declaration of Susan B. Long, # <u>3</u> Exhibit(s) A – C to the Second Supplemental Declaration of Susan B. Long, # <u>4</u> Supplemental Declaration of Paul G. Lang, # <u>5</u> Exhibit(s) A – M to the Supplemental Declaration of Paul G. Lang, # <u>6</u> Proposed Order/Judgment)(Kedem, Tal) (Entered: 04/30/2010)
05/07/2010	<u>46</u>	Letter Motion from Kathryn L. Wyer for United States Department of Justice requesting Leave to File Reply in Support of Defendant's Motion for Partial Reconsideration submitted to Judge Mordue. (Attachments: # <u>1</u> Proposed Reply in Support of Defendant's Motion for Partial Reconsideration, # <u>2</u> Proposed Order/Judgment)(Wyer, Kathryn) (Entered: 05/07/2010)
05/07/2010	<u>47</u>	RESPONSE TO LETTER BRIEF filed by David Burnham, Susan B. Long as to <u>46</u> Letter Request/Motion, filed by United States Department of Justice. (Kedem, Tal) (Entered: 05/07/2010)
05/18/2010		TEXT NOTICE – The <u>44</u> MOTION for Reconsideration re <u>43</u> Order on Motion for Summary Judgment is returnable on 5/19/10 before Chief Judge Mordue. The motion is on submit. No appearances necessary. (jlr) (Entered: 05/18/2010)
05/24/2010	<u>48</u>	Letter Motion from Tal Kedem for David Burnham, Susan B. Long requesting entry of Proposed Stipulated Scheduling Order submitted to Judge Mordue. (Attachments: # <u>1</u> Proposed Order/Judgment Proposed Stipulated Scheduling Order)(Kedem, Tal) (Entered: 05/24/2010)
05/25/2010	<u>49</u>	ORDER: Defendant's <u>46</u> Letter Request for leave to file a reply is GRANTED. Defendant's proposed reply in support of Defendant's Motion for Partial Reconsideration is deemed filed nunc pro tunc as of the date of Defendant's letter request. Signed by Chief Judge Norman A. Mordue on 5/25/2010. (dmf) (Entered: 05/25/2010)
05/26/2010	<u>50</u>	SCHEDULING ORDER – the schedule and associated page limitations with respect to Defendants Renewed Motion for Summary Judgment on issues as to which summary judgment was not granted (Defendants Motion) and Plaintiffs Renewed Cross–Motion for Summary Judgment on issues as to which summary judgment was not granted (Plaintiffs Cross–Motion) are contained herein. It is further Ordered that the status conference before Magistrate Judge Lowe scheduled for May 28, 2010, at 10:00 a.m. is cancelled as moot. Signed by Chief Judge

		Norman A. Mordue on 5/26/10. (mnm) (Entered: 05/26/2010)
05/28/2010	<u>51</u>	Letter Motion from Tal Kedem for David Burnham, Susan B. Long requesting Entry of new scheduling order submitted to Judge Mordue. (Kedem, Tal) (Entered: 05/28/2010)
06/30/2010		TEXT ORDER denying the <u>51</u> Letter Motion from Tal Kedem, Esq for David Burnham, and Susan B. Long requesting Entry of new scheduling order. The parties shall follow the Scheduling Order entered on 5/26/10 (Dkt. No. 50). Endorsed by Chief Judge Norman A. Mordue on 6/30/10. (jlr/nm) (Entered: 06/30/2010)
08/16/2010	<u>52</u>	Second MOTION for Summary Judgment filed by United States Department of Justice. (Attachments: # <u>1</u> Motion for Summary Judgment, # <u>2</u> Memorandum of Law, # <u>3</u> Statement of Material Facts, # <u>4</u> Declaration (Third) of James M. Kovakas, # <u>5</u> Exhibit(s) A – Vaughn Index Excerpt, # <u>6</u> Unpublished Decisions, # <u>7</u> Proposed Order/Judgment) (Wyer, Kathryn) (Entered: 08/16/2010)
09/13/2010	<u>53</u>	Cross MOTION for Summary Judgment filed by David Burnham, Susan B. Long. (Attachments: # <u>1</u> Plaintiffs' Renewed Cross–Motion for Summary Judgment, # <u>2</u> Third Supplemental Declaration of Susan B. Long, # <u>3</u> Exhibit(s) A to the Third Supplemental Declaration of Susan B. Long, # <u>4</u> Exhibit(s) B to the Third Supplemental Declaration of Susan B. Long, # <u>5</u> Exhibit(s) C to the Third Supplemental Declaration of Susan B. Long, # <u>6</u> Exhibit(s) D to the Third Supplemental Declaration of Susan B. Long, # <u>7</u> Exhibit(s) E to the Third Supplemental Declaration of Susan B. Long, # <u>8</u> Exhibit(s) F to the Third Supplemental Declaration of Susan B. Long, # <u>9</u> Exhibit(s) G to the Third Supplemental Declaration of Susan B. Long, # <u>10</u> Exhibit(s) H to the Third Supplemental Declaration of Susan B. Long, # <u>11</u> Exhibit(s) I to the Third Supplemental Declaration of Susan B. Long, # <u>12</u> Exhibit(s) J to the Third Supplemental Declaration of Susan B. Long, # <u>13</u> Exhibit(s) K to the Third Supplemental Declaration of Susan B. Long, # <u>14</u> Exhibit(s) L to the Third Supplemental Declaration of Susan B. Long, # <u>15</u> Exhibit(s) M to the Third Supplemental Declaration of Susan B. Long, # <u>16</u> Exhibit(s) N to the Third Supplemental Declaration of Susan B. Long, # <u>17</u> Exhibit(s) O to the Third Supplemental Declaration of Susan B. Long, # <u>18</u> Exhibit(s) P to the Third Supplemental Declaration of Susan B. Long, # <u>19</u> Exhibit(s) Q to the Third Supplemental Declaration of Susan B. Long, # <u>20</u> Exhibit(s) R to the Third Supplemental Declaration of Susan B. Long, # <u>21</u> Exhibit(s) S to the Third Supplemental Declaration of Susan B. Long, # <u>22</u> Exhibit(s) T to the Third Supplemental Declaration of Susan B. Long, # <u>23</u> Exhibit(s) U to the Third Supplemental Declaration of Susan B. Long, # <u>24</u> Exhibit(s) V to the Third Supplemental Declaration of Susan B. Long, # <u>25</u> Exhibit(s) W to the Third Supplemental Declaration of Susan B. Long, # <u>26</u> Exhibit(s) X to the Third Supplemental Declaration of Susan B. Long, # <u>27</u> Exhibit(s) Y to the Third Supplemental Declaration of Susan B. Long, # <u>28</u> Exhibit(s) Z to the Third Supplemental Declaration of Susan B. Long, # <u>29</u> Exhibit(s) AA to the Third Supplemental Declaration of Susan B. Long, # <u>30</u> Exhibit(s) AB to the Third Supplemental Declaration of Susan B. Long, # <u>31</u> Exhibit(s) AC to the Third Supplemental Declaration of Susan B. Long, # <u>32</u> Plaintiffs' Memorandum of Law in Opposition to Defendant's Renewed Motion for Summary Judgment and in Support of Plaintiffs' Renewed Cross–motion for Summary Judgment, # <u>33</u> Plaintiffs' Response to Defendant's Statement of Material Facts and Statement of Material Facts in Support of Plaintiffs' Renewed Cross–motion for Summary Judgment, # <u>34</u> Plaintiffs' Proposed Order) (Sussman, William) (Entered: 09/13/2010)
09/14/2010		TEXT NOTICE – Counsel is directed to send a courtesy copy of the <u>52</u> Second MOTION for Summary Judgment, and the <u>53</u> Cross MOTION for Summary Judgment papers to Chief Judge Mordue's chambers. (jlr) (Entered: 09/14/2010)
09/27/2010	<u>54</u>	REPLY to Response to Motion re <u>52</u> Second MOTION for Summary Judgment filed by United States Department of Justice. (Attachments: # <u>1</u> Statement of Material Facts – Response, # <u>2</u> Declaration of James M. Kovakas (Fourth Supplemental)) (Wyer, Kathryn) (Entered: 09/27/2010)



09/27/2010	<u>55</u>	RESPONSE in Opposition re <u>53</u> Cross MOTION for Summary Judgment filed by United States Department of Justice. (Attachments: # <u>1</u> Statement of Material Facts – Response, # <u>2</u> Declaration of James M. Kovakas (Fourth Supplemental), # <u>3</u> Proposed Order/Judgment)(Wyer, Kathryn) (Entered: 09/27/2010)
10/11/2010	<u>56</u>	REPLY to Response to Motion re <u>53</u> Cross MOTION for Summary Judgment filed by David Burnham, Susan B. Long. (Attachments: # <u>1</u> Affidavit Fourth Supplemental Declaration of Susan B. Long, # <u>2</u> Exhibit(s) Exhibit A to Fourth Supp. Long Dec., # <u>3</u> Exhibit(s) Exhibit B to Fourth Supp. Long Dec., # <u>4</u> Exhibit(s) Exhibit C to Fourth Supp. Long Dec., # <u>5</u> Exhibit(s) Exhibit D to Fourth Supp. Long Dec., # <u>6</u> Exhibit(s) Exhibit E to Fourth Supp. Long Dec., # <u>7</u> Exhibit(s) Exhibit F to Fourth Supp. Long Dec., # <u>8</u> Exhibit(s) Exhibit G to Fourth Supp. Long Dec., # <u>9</u> Exhibit(s) Exhibit H to Fourth Supp. Long Dec., # <u>10</u> Exhibit(s) Exhibit I to Fourth Supp. Long Dec., # <u>11</u> Exhibit(s) Exhibit J to Fourth Supp. Long Dec., # <u>12</u> Exhibit(s) Exhibit K to Fourth Supp. Long Dec., # <u>13</u> Appendix Unpublished Decision cited in Memorandum of Law)(Kedem, Tal) (Entered: 10/11/2010)
10/25/2010	<u>57</u>	Letter Motion from Kathryn Wyer for United States Department of Justice requesting Waiver of the Requirements of L.R. 7.1(b)(2) in Connection with Defendant's Motion for Leave to File Surreply submitted to Judge Mordue. (Attachments: # <u>1</u> Proposed Order/Judgment – Letter Request, # <u>2</u> Motion for Leave to File Surreply, # <u>3</u> Proposed Surreply, # <u>4</u> Proposed Order/Judgment – Motion for Leave to File Surreply)(Wyer, Kathryn) (Entered: 10/25/2010)
10/26/2010		TEXT ORDER granting the <u>57</u> Letter Motion from Kathryn Wyer for United States Department of Justice requesting Waiver of the Requirements of L.R. 7.1(b)(2) in Connection with Defendant's Motion for Leave to File Surreply. The Clerk is directed to file the surreply attached in the <u>57</u> letter motion. Endorsed by Chief Judge Norman A. Mordue on 10/26/10. (jlr/sr) (Entered: 10/26/2010)
10/26/2010	<u>58</u>	SURREPLY to Response to the Motion <u>52</u> Second MOTION for Summary Judgment and the <u>53</u> Cross MOTION for Summary Judgment filed by United States Department of Justice. (jlr) (Entered: 10/26/2010)
03/22/2011	<u>59</u>	Letter Motion from Tal Kedem for David Burnham, Susan B. Long requesting the Court take notice of the Supreme Court's decision in Milner v. Dep't of Navy, No. 09–1163, 2011 U.S. LEXIS 2101 (U.S. Mar. 7, 2011), and its effect on this action with respect to FOIA Exemption 2 submitted to Judge Mordue. (Attachments: # <u>1</u> Exhibit(s) Exhibit A — Milner v. Dep't of Navy, # <u>2</u> Exhibit(s) Exhibit B — Ward v. LeClaire)(Kedem, Tal) (Entered: 03/22/2011)
03/23/2011		TEXT NOTICE Defendant is directed to file a response to plaintiffs' letter motion, Dkt. No. 59, on or before April 5, 2011. Plaintiffs' reply, if any, shall be filed on or before April 12, 2011. (jlr/sr) (Entered: 03/23/2011)
03/25/2011	<u>60</u>	MEMORANDUM DECISION AND ORDER: It is ORDERED that the # <u>44</u> Motion for Reconsideration is GRANTED; the portion of the # <u>43</u> Memorandum Decision and Order denying Defendant's summary judgment motion and granting Plaintiffs' summary judgment motion regarding vaccine type and date of administration is VACATED; Defendant's summary judgment motion regarding vaccine type and date of administration is GRANTED and Plaintiffs' cross-motion for summary judgment regarding vaccine type and date of administration is DENIED. Signed by Chief Judge Norman A. Mordue on 3/25/2011. (mae) (Entered: 03/25/2011)
03/31/2011		TEXT ORDER: Having received plaintiffs' letter motion requesting that the Court take notice of the Supreme Court's decision in Milner v. Department of the Navy, along with their request for reconsideration of an issue (JCON IDs) addressed in the Court's prior Memorandum Decision and Order, dkt. no. 43, and arguments regarding Milner's impact on issues contained in the second motion for summary judgment, dkt. no. 52, and second cross motion for summary judgment, dkt. no. 53, and having been advised that: defendant intends to withdraw its arguments regarding Exemption 2 in connection with its second motion for summary judgment, and submit new arguments; and that plaintiffs object to defendant raising new arguments, in the interest of resolving all arguments at once rather than through additional letter motions or filings clarifying or altering previous filings,

		the Court directs the parties to withdraw the second motion for summary judgment, dkt. no. 52, and second cross motion for summary judgment, dkt. no. 53. The parties may refile their motions for summary judgment incorporating their arguments regarding Exemption 2 and may include new arguments and submissions. Defendant is directed to refile its second motion for summary judgment on or before April 28, 2011. Plaintiffs are directed to file their cross motion and response on or before May 19, 2011. Defendant is directed to file its response and reply on or before May 26, 2011. No sur-replies will be permitted unless good cause is shown. The parties shall continue to abide by the briefing schedule contained in the Text Notice issued on March 23, 2011, with respect to plaintiffs' request that the Court reconsider its decision regarding JCON IDs. Endorsed by Chief Judge Norman A. Mordue on 3/31/11. (jlr/sr) (Entered: 03/31/2011)
04/04/2011	<u>61</u>	Letter Motion from Tal Kedem for David Burnham, Susan B. Long requesting Reconsideration of the Court's March 31, 2011 Text Order submitted to Judge Mordue. (Kedem, Tal) (Entered: 04/04/2011)
04/05/2011	<u>62</u>	RESPONSE in Opposition re <u>59</u> Letter Motion from Tal Kedem for David Burnham, Susan B. Long requesting the Court take notice of the Supreme Court's decision in Milner v. Dep't of Navy, No. 09-1163, 2011 U.S. LEXIS 2101 (U.S. Mar. 7, 2011), and its effect on this action witLetter Motion from Tal Kedem for David Burnham, Susan B. Long requesting the Court take notice of the Supreme Court's decision in Milner v. Dep't of Navy, No. 09-1163, 2011 U.S. LEXIS 2101 (U.S. Mar. 7, 2011), and its effect on this action wit filed by United States Department of Justice. (Attachments: # <u>1</u> Declaration (Fifth Supplemental) of James M. Kovakas, # <u>2</u> Declaration (Supplemental) of Doug McManus)(Wyer, Kathryn) (Entered: 04/05/2011)
04/12/2011	<u>63</u>	REPLY to Response to Motion re <u>59</u> Letter Motion from Tal Kedem for David Burnham, Susan B. Long requesting the Court take notice of the Supreme Court's decision in Milner v. Dep't of Navy, No. 09-1163, 2011 U.S. LEXIS 2101 (U.S. Mar. 7, 2011), and its effect on this action witLetter Motion from Tal Kedem for David Burnham, Susan B. Long requesting the Court take notice of the Supreme Court's decision in Milner v. Dep't of Navy, No. 09-1163, 2011 U.S. LEXIS 2101 (U.S. Mar. 7, 2011), and its effect on this action wit filed by David Burnham, Susan B. Long. (Attachments: # <u>1</u> Appendix Unpublished cases cited in Plaintiffs' Memorandum, # <u>2</u> Declaration Fifth Supplemental Declaration of Susan B. Long, # <u>3</u> Exhibit(s) Exhibits to Fifth Supplemental Declaration of Susan B. Long)(Kedem, Tal) (Entered: 04/12/2011)
04/13/2011		TEXT ORDER: Plaintiffs' letter request, dkt. no. 61, requesting reconsideration of the Court's March 31, 2011, Text Order is denied. Plaintiffs' request for permission to serve and file reply papers in further support of any new cross-motion for summary judgment is granted. Signed by Chief Judge Norman A. Mordue on 4/13/11. (jlr) (Entered: 04/13/2011)
04/19/2011	<u>64</u>	Letter Motion from Defendant for United States Department of Justice requesting Leave to File a Surreply in Connection with Plaintiffs' March 22, 2011, Letter Motion submitted to Judge Mordue. (Attachments: # <u>1</u> SURREPLY - DEEMED TIMELY FILED BY THE # <u>65</u> ORDER, # <u>2</u> Declaration (Sixth Supplemental) of James M. Kovakas, # <u>3</u> Exhibit(s) A - FOIA Request (March 28, 2011), # <u>4</u> Proposed Order/Judgment)(Wyer, Kathryn) Modified docket text on 4/19/2011. (mae) (Entered: 04/19/2011)
04/19/2011	<u>65</u>	ORDER: GRANTING the # <u>64</u> Letter Request. The Proposed surreply filed at 64-1 is deemed timely filed. Signed by Chief Judge Norman A. Mordue on 4/19/2011. (mae) (Entered: 04/19/2011)
04/26/2011	<u>66</u>	<i>Consent</i> Letter Motion from Kathryn Wyer for United States Department of Justice requesting Extension of Briefing Schedule and To Set Applicable Page Limits submitted to Judge Mordue. (Attachments: # <u>1</u> Proposed Order/Judgment)(Wyer, Kathryn) (Entered: 04/26/2011)
04/27/2011	<u>67</u>	ORDER granting # <u>66</u> Letter Request: Defendant's motion for summary judgment (35 page max) to be filed by 5/5/2011; plaintiffs' opposition to defendant's motion and cross-motion for summary judgment (35 page max) is to be filed by 6/2/2011;

		defendant's reply in support of motion/opposition to cross-motion (25 page max) is to be filed by 6/16/2011; and plaintiffs' reply in support of cross-motion (20 page max) is to be filed by 6/30/2011. Signed by Chief Judge Norman A. Mordue on 4/27/2011. (mae) (Entered: 04/28/2011)
05/03/2011	<u>68</u>	NOTICE by David Burnham, Susan B. Long <i>regarding the withdrawal of the appearance of Tal Kedem as counsel for plaintiffs</i> (Sussman, William) (Entered: 05/03/2011)
05/04/2011	<u>69</u>	ORDER: Approving the withdrawal of the appearance of attorney Tal Kedem. Signed by Magistrate Judge George H. Lowe on 5/4/2011. (mae) (Entered: 05/04/2011)
05/05/2011	<u>70</u>	LETTER BRIEF <i>Notice of Developments Relevant to Plaintiffs' March 22, 2011 Letter Motion</i> by United States Department of Justice. (Wyer, Kathryn) (Entered: 05/05/2011)
05/05/2011	<u>71</u>	MOTION for Summary Judgment filed by United States Department of Justice. (Attachments: # <u>1</u> (Resubmitted) Renewed Motion for Summary Judgment, # <u>2</u> Memorandum of Law, # <u>3</u> Exhibit(s) A – Letter of April 26, 2011 from plaintiffs' counsel, # <u>4</u> Statement of Material Facts, # <u>5</u> Declaration (Seventh Supplemental) of James M. Kovakas, # <u>6</u> Updated Vaughn Index (Exhibit A to Kovakas Seventh Supplemental Declaration), # <u>7</u> Ferrigno (unpublished case), # <u>8</u> Proposed Order/Judgment) (Wyer, Kathryn) (Entered: 05/05/2011)
05/09/2011		TEXT NOTICE re # <u>71</u> Renewed Motion for Summary Judgment: The Motion will be taken on submit, with no appearances necessary. Pursuant to the # <u>67</u> Order the Response to Motion is due by 6/2/2011; Reply to Response to Motion due by 6/16/2011. Counsel are directed to send a courtesy copy of all motion papers to Chief Judge Mordue's chambers. (mae) (Entered: 05/09/2011)
05/10/2011	<u>72</u>	LETTER BRIEF <i>Plaintiffs' Response to Defendant's Letter Brief of May 5, 2011</i> by David Burnham, Susan B. Long. (Sussman, William) (Entered: 05/10/2011)
05/17/2011	<u>73</u>	LETTER BRIEF <i>in Reply to Plaintiffs' Letter Brief of May 10, 2011, in connection with plaintiffs' March 22, 2011, Letter Motion for Reconsideration</i> by United States Department of Justice. (Wyer, Kathryn) (Entered: 05/17/2011)
05/20/2011	<u>74</u>	NOTICE of Appearance by Martin J. Crisp on behalf of David Burnham, Susan B. Long (Crisp, Martin) (Entered: 05/20/2011)
05/20/2011	<u>75</u>	LETTER BRIEF <i>Plaintiffs' Response to Defendant's Letter Brief of May 17, 2011</i> by David Burnham, Susan B. Long. (Crisp, Martin) (Entered: 05/20/2011)
06/02/2011	<u>76</u>	Cross MOTION for Summary Judgment filed by David Burnham, Susan B. Long. (Attachments: # <u>1</u> Plaintiffs' Renewed Cross-motion for Summary Judgment, # <u>2</u> Sixth Supplemental Declaration of Susan B. Long, # <u>3</u> Exhibit A to the Sixth Supplemental Declaration of Susan B. Long, # <u>4</u> Exhibit B to the Sixth Supplemental Declaration of Susan B. Long, # <u>5</u> Exhibit C to the Sixth Supplemental Declaration of Susan B. Long, # <u>6</u> Exhibit D to the Sixth Supplemental Declaration of Susan B. Long, # <u>7</u> Exhibit E to the Sixth Supplemental Declaration of Susan B. Long, # <u>8</u> Exhibit F to the Sixth Supplemental Declaration of Susan B. Long, # <u>9</u> Exhibit G to the Sixth Supplemental Declaration of Susan B. Long, # <u>10</u> Exhibit H to the Sixth Supplemental Declaration of Susan B. Long, # <u>11</u> Exhibit I to the Sixth Supplemental Declaration of Susan B. Long, # <u>12</u> Exhibit J to the Sixth Supplemental Declaration of Susan B. Long, # <u>13</u> Exhibit K to the Sixth Supplemental Declaration of Susan B. Long, # <u>14</u> Exhibit L to the Sixth Supplemental Declaration of Susan B. Long, # <u>15</u> Exhibit M to the Sixth Supplemental Declaration of Susan B. Long, # <u>16</u> Exhibit N to the Sixth Supplemental Declaration of Susan B. Long, # <u>17</u> Exhibit O to the Sixth Supplemental Declaration of Susan B. Long, # <u>18</u> Exhibit P to the Sixth Supplemental Declaration of Susan B. Long, # <u>19</u> Exhibit Q to the Sixth Supplemental Declaration of Susan B. Long, # <u>20</u> Exhibit R to the Sixth Supplemental Declaration of Susan B. Long, # <u>21</u> Exhibit S to the Sixth Supplemental Declaration of Susan B. Long, # <u>22</u> Exhibit T to the Sixth Supplemental Declaration of Susan B. Long, # <u>23</u> Exhibit U to the Sixth

		Supplemental Declaration of Susan B. Long, # <u>24</u> Exhibit V to the Sixth Supplemental Declaration of Susan B. Long, # <u>25</u> Exhibit W to the Sixth Supplemental Declaration of Susan B. Long, # <u>26</u> Exhibit X to the Sixth Supplemental Declaration of Susan B. Long, # <u>27</u> Exhibit Y to the Sixth Supplemental Declaration of Susan B. Long, # <u>28</u> Exhibit Z to the Sixth Supplemental Declaration of Susan B. Long, # <u>29</u> Exhibit AA to the Sixth Supplemental Declaration of Susan B. Long, # <u>30</u> Exhibit BB to the Sixth Supplemental Declaration of Susan B. Long, # <u>31</u> Exhibit CC to the Sixth Supplemental Declaration of Susan B. Long, # <u>32</u> Exhibit DD to the Sixth Supplemental Declaration of Susan B. Long, # <u>33</u> Exhibit EE to the Sixth Supplemental Declaration of Susan B. Long, # <u>34</u> Exhibit FF to the Sixth Supplemental Declaration of Susan B. Long, # <u>35</u> Exhibit GG to the Sixth Supplemental Declaration of Susan B. Long, # <u>36</u> Exhibit HH to the Sixth Supplemental Declaration of Susan B. Long, # <u>37</u> Exhibit II to the Sixth Supplemental Declaration of Susan B. Long, # <u>38</u> Exhibit JJ to the Sixth Supplemental Declaration of Susan B. Long, # <u>39</u> Exhibit KK to the Sixth Supplemental Declaration of Susan B. Long, # <u>40</u> Exhibit LL to the Sixth Supplemental Declaration of Susan B. Long, # <u>41</u> Exhibit MM to the Sixth Supplemental Declaration of Susan B. Long, # <u>42</u> Exhibit NN to the Sixth Supplemental Declaration of Susan B. Long, # <u>43</u> Exhibit OO to the Sixth Supplemental Declaration of Susan B. Long, # <u>44</u> Exhibit PP to the Sixth Supplemental Declaration of Susan B. Long, # <u>45</u> Exhibit QQ to the Sixth Supplemental Declaration of Susan B. Long, # <u>46</u> Exhibit RR to the Sixth Supplemental Declaration of Susan B. Long, # <u>47</u> Supplemental Declaration of Paul G. Lang, # <u>48</u> Plaintiffs' Memorandum of Law in Opposition to Defendant's Renewed Motion for Summary Judgment and in Support of Plaintiffs' Renewed Cross-motion for Summary Judgment, # <u>49</u> Unpublished Decisions, # <u>50</u> Plaintiffs' Response to Defendant's Statement of Material Facts and Statement of Material Facts in Support of Plaintiffs' Renewed Cross-motion for Summary Judgment, # <u>51</u> Plaintiffs' Proposed Order) (Crisp, Martin) (Entered: 06/02/2011)
06/03/2011		Set/Reset Deadlines as to the # <u>76</u> Cross Motion for Summary Judgment: Defendant's reply in support of motion/opposition to cross-motion (25 page max) is to be filed by 6/16/2011; and Plaintiffs' reply in support of cross-motion (20 page max) is to be filed by 6/30/2011. Counsel are directed to send a courtesy copy of all motion papers to Chief Judge Mordue's chambers. (mae) (Entered: 06/03/2011)
06/09/2011	<u>77</u>	<i>Consent</i> Letter Motion from Kathryn Wyer, Counsel for Defendant for United States Department of Justice requesting an Extension of the Summary Judgment Briefing Schedule submitted to Judge Mordue. (Attachments: # <u>1</u> Proposed Order/Judgment)(Wyer, Kathryn) (Entered: 06/09/2011)
06/13/2011		TEXT ORDER – Defendant's <u>77</u> Letter Request is granted in part and denied in part. The Court has reset the deadlines as follows: Defendant's Reply in Support of Motion/Opposition to Cross-Motion due July 15, 2011, and Plaintiff's Reply in Support of Cross-Motion due August 5, 2011. Endorsed by Chief Judge Norman A. Mordue on 6/13/11. (jlr/sr) (Entered: 06/13/2011)
07/15/2011	<u>78</u>	REPLY to Response to Motion re <u>71</u> MOTION for Summary Judgment and RESPONSE to # <u>76</u> Cross Motion filed by United States Department of Justice. (Attachments: # <u>1</u> Eighth Supplemental Declaration of James M. Kovakas, # <u>2</u> Exhibit(s) A – PACER FAQ excerpt, # <u>3</u> Exhibit(s) B – PACER search results (five-year period), # <u>4</u> Exhibit(s) C – PACER search results (California), # <u>5</u> Exhibit(s) D – PACER sample, # <u>6</u> Response to Plaintiffs' Statement of Material Facts, # <u>7</u> Judicial Watch Inc v Reno (unpublished), # <u>8</u> NY Times v. Department of Treasury (unpublished))(Wyer, Kathryn) (Additional attachment(s) added on 7/20/2011: # <u>9</u> Proposed Order) (mae, ). Modified docket text on 7/20/2011. (mae) (Entered: 07/15/2011)
07/20/2011		CLERK'S CORRECTION OF DOCKET ENTRY: The Clerk confirmed with AUSA Wyer that the # <u>78</u> Response and # <u>79</u> Reply were identical filings with the exception that # <u>79</u> included a proposed order. The proposed order has been attached to the # <u>78</u> Response and the # <u>79</u> Reply has been deleted from the docket. The docket text of the # <u>78</u> entry has been modified to reflect that the submission is in Reply to the # <u>71</u> Motion and in Response to the # <u>76</u> Cross Motion. (mae)



		(Entered: 07/20/2011)
08/05/2011	<u>79</u>	REPLY to Response to Motion re <u>76</u> Cross MOTION for Summary Judgment filed by David Burnham, Susan B. Long. (Attachments: # <u>1</u> Unpublished Decisions, # <u>2</u> Seventh Supplemental Declaration of Susan Long, # <u>3</u> Exhibit A to the Seventh Supplemental Declaration of Susan Long, # <u>4</u> Exhibit B to the Seventh Supplemental Declaration of Susan Long, # <u>5</u> Exhibit C to the Seventh Supplemental Declaration of Susan Long, # <u>6</u> Exhibit D to the Seventh Supplemental Declaration of Susan Long, # <u>7</u> Exhibit E to the Seventh Supplemental Declaration of Susan Long, # <u>8</u> Exhibit F to the Seventh Supplemental Declaration of Susan Long, # <u>9</u> Exhibit G to the Seventh Supplemental Declaration of Susan Long, # <u>10</u> Exhibit H to the Seventh Supplemental Declaration of Susan Long, # <u>11</u> Exhibit I to the Seventh Supplemental Declaration of Susan Long, # <u>12</u> Exhibit J to the Seventh Supplemental Declaration of Susan Long, # <u>13</u> Exhibit K to the Seventh Supplemental Declaration of Susan Long, # <u>14</u> Exhibit L to the Seventh Supplemental Declaration of Susan Long, # <u>15</u> Exhibit M to the Seventh Supplemental Declaration of Susan Long, # <u>16</u> Exhibit N to the Seventh Supplemental Declaration of Susan Long, # <u>17</u> Exhibit O to the Seventh Supplemental Declaration of Susan Long, # <u>18</u> Exhibit P to the Seventh Supplemental Declaration of Susan Long, # <u>19</u> Exhibit Q to the Seventh Supplemental Declaration of Susan Long, # <u>20</u> Exhibit R to the Seventh Supplemental Declaration of Susan Long, # <u>21</u> Exhibit S to the Seventh Supplemental Declaration of Susan Long, # <u>22</u> Exhibit T to the Seventh Supplemental Declaration of Susan Long, # <u>23</u> Exhibit U to the Seventh Supplemental Declaration of Susan Long, # <u>24</u> Exhibit V to the Seventh Supplemental Declaration of Susan Long, # <u>25</u> Exhibit W to the Seventh Supplemental Declaration of Susan Long, # <u>26</u> Exhibit X to the Seventh Supplemental Declaration of Susan Long, # <u>27</u> Exhibit Y to the Seventh Supplemental Declaration of Susan Long, # <u>28</u> Exhibit Z to the Seventh Supplemental Declaration of Susan Long, # <u>29</u> Exhibit AA to the Seventh Supplemental Declaration of Susan Long, # <u>30</u> Exhibit BB to the Seventh Supplemental Declaration of Susan Long, # <u>31</u> Exhibit CC to the Seventh Supplemental Declaration of Susan Long, # <u>32</u> Exhibit DD to the Seventh Supplemental Declaration of Susan Long, # <u>33</u> Exhibit EE to the Seventh Supplemental Declaration of Susan Long, # <u>34</u> Exhibit FF to the Seventh Supplemental Declaration of Susan Long, # <u>35</u> Exhibit GG to the Seventh Supplemental Declaration of Susan Long)(Sussman, William) (Entered: 08/05/2011)
02/13/2012	<u>80</u>	ORDER OF REASSIGNMENT: Case directly reassigned to Magistrate Judge Therese Wiley Dancks for all further proceedings. Magistrate Judge George H. Lowe no longer assigned to case. District Judge Norman A. Mordue remains assigned to case. Signed by Chief Judge Gary L. Sharpe on 2/10/2012. (mae) (Entered: 02/13/2012)
03/31/2012	<u>81</u>	ORDER granting in part and denying in part the <u>59</u> Letter Motion for Reconsideration; granting in part and denying in part the defendant's <u>71</u> Motion for Summary Judgment; and granting in part and denying in part the plaintiffs' <u>76</u> Motion for Summary Judgment. Signed by Judge Norman A. Mordue on 3/31/12. (jlr) (Entered: 03/31/2012)
04/16/2012	<u>82</u>	MOTION for Reconsideration re <u>81</u> Order on Letter Request, Order on Motion for Summary Judgment,,,, Motion Hearing set for 6/6/2012 10:00 AM in Syracuse before Judge Norman A. Mordue Response to Motion due by 5/21/2012 filed by United States Department of Justice. (Attachments: # <u>1</u> Motion for Partial Reconsideration, # <u>2</u> Memorandum of Law, # <u>3</u> Proposed Order/Judgment) (Wyer, Kathryn) (Entered: 04/16/2012)
04/18/2012		TEXT NOTICE: The # <u>82</u> Motion for Reconsideration is returnable 6/6/2012, ON SUBMIT, before district Judge Norman A. Mordue. Response to Motion due by 5/21/2012. No Reply is permitted without prior permission. (mae) (Entered: 04/18/2012)
05/21/2012	<u>83</u>	RESPONSE in Opposition re <u>82</u> MOTION for Reconsideration re <u>81</u> Order on Letter Request, Order on Motion for Summary Judgment,,,, filed by David

		Burnham, Susan B. Long. (Attachments: # <u>1</u> Unpublished Decisions)(Sussman, William) (Entered: 05/21/2012)
09/07/2012	<u>84</u>	NOTICE of Supplemental Authority by United States Department of Justice re <u>82</u> MOTION for Reconsideration re <u>81</u> Order on Letter Request, Order on Motion for Summary Judgment. (Attachments: # <u>1</u> Long v Office of Personnel Management, No 10-1600, 2012 WL 3831784 (2d Cir. Sept. 5, 2012))(Wyer, Kathryn) (Entered: 09/07/2012)
09/11/2012	<u>85</u>	Letter Motion from Kathryn Wyer for United States Department of Justice requesting Reconsideration With Respect to Sealed Cases, in Light of Second Circuit Decision in Long v. OPM submitted to Judge Mordue . (Attachments: # <u>1</u> Proposed Order/Judgment)(Wyer, Kathryn) (Entered: 09/11/2012)
09/17/2012	<u>86</u>	Plaintiff's Response to Defendant's Notice of Supplemental Authority by David Burnham, Susan B. Long (Sussman, William) (modified by tab) (Entered: 09/17/2012)
09/25/2012	<u>87</u>	RESPONSE in Opposition re <u>85</u> Letter Motion from Kathryn Wyer for United States Department of Justice requesting Reconsideration With Respect to Sealed Cases, in Light of Second Circuit Decision in Long v. OPM submitted to Judge Mordue filed by David Burnham, Susan B. Long. (Attachments: # <u>1</u> Unpublished Decisions)(Sussman, William) (Entered: 09/25/2012)
09/27/2012	<u>88</u>	NOTICE by United States Department of Justice re <u>86</u> Notice (Other) ( <i>Response and Objection to Plaintiffs' Response to Defendant's Notice of Supplemental Authority</i> ) (Wyer, Kathryn) (Entered: 09/27/2012)
10/09/2012	<u>89</u>	NOTICE by David Burnham, Susan B. Long re <u>84</u> Notice (Other), <i>Plaintiffs' Response to Defendant's Reply in Support of Defendant's Notice of Supplemental Authority</i> (Sussman, William) (Entered: 10/09/2012)